

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 683

Introduced by Assembly Member Low

February 25, 2015

An act to amend ~~Section 19271~~ Sections 2053, 9082.7, and 13300.7 of the Elections Code, relating to ~~voting systems~~ ballot materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as amended, Low. ~~Direct recording electronic voting systems~~. Online ballot materials: accessibility.

Under existing law, the Visually Impaired Voter Assistance Act of 1989, the Secretary of State is required to establish a Visually Impaired Voter Assistance Board to, among other things, make recommendations to the Secretary of State for improving the availability and accessibility of ballot pamphlet audio recordings and their delivery to visually impaired voters. Existing law also requires the Secretary of State to make available the complete state ballot pamphlet over the Internet, which is required to include specified information. Existing law further authorizes county and city elections officials to establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, as specified.

This bill would require the Visually Impaired Voter Assistance Board to make additional recommendations to the Secretary of State for improving the accessibility of election materials made available over the Internet, as specified. The bill would also require the elections

materials made available over the Internet to conform to certain standards and guidelines, as specified.

~~Existing law prohibits the Secretary of State from approving, and prohibits a city or county from contracting for or purchasing, a direct recording electronic voting system, defined as a voting system that records a vote electronically and does not require or permit the voter to record his or her vote directly onto a tangible ballot. Existing law defines the term “voter verified paper audit trail” as a component of a direct recording electronic voting system that prints a contemporaneous paper record copy of each electronic ballot and allows each voter to confirm his or her selections before the voter casts his or her ballot.~~

~~This bill would revise the definition of “voter verified paper audit trail” to instead mean a component of a direct recording electronic voting system that prints a synchronous paper record facsimile of each electronic ballot and allows each voter to confirm his or her selections before the voter casts his or her ballot.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2053 of the Elections Code is amended*
2 *to read:*

3 2053. (a) The Secretary of State shall establish a Visually
4 Impaired Voter Assistance Advisory Board. ~~This~~ *The* board shall
5 consist of the Secretary of State, or his or her designee, and the
6 following membership, appointed by the Secretary of State:

7 (1) A representative from the State Advisory Council on
8 Libraries.

9 (2) One member from each of three private organizations. Two
10 of the organizations shall be representative of organizations for
11 blind persons in the state.

12 (b) The board shall do all of the following:

13 (1) Establish guidelines for reaching as many visually impaired
14 persons as practical.

15 (2) Make recommendations to the Secretary of State for
16 improving the availability and accessibility of ballot pamphlet
17 audio recordings and their delivery to visually impaired voters.
18 The Secretary of State may implement the recommendations made
19 by the board.

1 (3) Increase the distribution of public service announcements
2 identifying the availability of ballot pamphlet audio recordings at
3 least 45 days before any federal, state, and local election.

4 (4) *Make recommendations to the Secretary of State for*
5 *improving the accessibility of election materials made available*
6 *over the Internet, including the state ballot pamphlet pursuant to*
7 *Section 9082.7, the sample ballot and notice of polling place*
8 *pursuant to Section 13303, the voter pamphlet pursuant to Section*
9 *13307, and any associated materials. In making recommendations*
10 *pursuant to this paragraph, the board shall consider the following:*

11 (A) *Nonvisual accessibility for the blind and visually impaired,*
12 *in a manner that provides the same opportunity for access as*
13 *provided to other voters who are not disabled.*

14 (B) *Recommendations from representatives of blind consumer*
15 *organizations, experts in accessible software and hardware design,*
16 *and any other individual or organization the Secretary of State or*
17 *board determines to be appropriate.*

18 ~~(4)~~

19 (5) Promote the Secretary of State's toll-free voter registration
20 telephone line for citizens needing voter registration information,
21 including information for those who are visually handicapped, and
22 the toll-free telephone service regarding the California State Library
23 and regional library service for the visually impaired.

24 (c) ~~No~~A member shall *not* receive compensation, but each
25 member shall be reimbursed for his or her reasonable and necessary
26 expenses in connection with service on the board.

27 SEC. 2. *Section 9082.7 of the Elections Code is amended to*
28 *read:*

29 9082.7. (a) The Secretary of State shall make available the
30 complete state ballot pamphlet over the Internet. The online version
31 of the state ballot pamphlet shall contain all of the following:

32 (1) For each candidate listed in the pamphlet, a means to access
33 campaign contribution disclosure reports for the candidate that are
34 available online.

35 (2) For each state ballot measure listed in the pamphlet, a means
36 to access the consolidated information specified in subdivision
37 (b).

38 (b) The Secretary of State shall create an Internet Web site, or
39 use other available technology, to consolidate information about
40 each state ballot measure in a manner that is easy for voters to

1 access and understand. The information shall include all of the
2 following:

3 (1) A summary of the ballot measure's content.

4 (2) The total amount of reported contributions made in support
5 of and opposition to the ballot measure, calculated and updated as
6 follows:

7 (A) (i) The total amount of contributions in support of the ballot
8 measure shall be calculated by adding together the total amounts
9 of contributions made in support of the ballot measure and reported
10 in semiannual statements required by Section 84200 of the
11 Government Code, preelection statements required by Section
12 84200.5 of the Government Code, campaign statements required
13 by Section 84202.3 of the Government Code, and late contribution
14 reports required by Section 84203 of the Government Code that
15 are reported within 16 days of the election at which the measure
16 will appear on the ballot.

17 (ii) The total amount of contributions in opposition to the ballot
18 measure shall be calculated by adding together the total amounts
19 of contributions made in opposition to the ballot measure and
20 reported in semiannual statements required by Section 84200 of
21 the Government Code, preelection statements required by Section
22 84200.5 of the Government Code, campaign statements required
23 by Section 84202.3 of the Government Code, and late contribution
24 reports required by Section 84203 of the Government Code that
25 are reported within 16 days of the election at which the measure
26 will appear on the ballot.

27 (iii) For purposes of determining the total amount of reported
28 contributions pursuant to this subparagraph, the Secretary of State
29 shall, to the extent practicable with respect to committees primarily
30 formed to support or oppose a ballot measure, do both of the
31 following:

32 (I) Ensure that transfers of funds between primarily formed
33 committees are not counted twice.

34 (II) Treat a contribution made to a primarily formed committee
35 that supports or opposes more than one state ballot measure as if
36 the total amount of that contribution was made for each state ballot
37 measure that the committee supports or opposes.

38 (B) The total amount of reported contributions calculated under
39 this paragraph for each state ballot measure shall be updated not
40 later than five business days after receipt of a semiannual statement,

1 campaign statement, or preelection statement and not later than
2 two business days after receipt of a late contribution report within
3 16 days of the election at which the measure will appear on the
4 ballot.

5 (C) The total amount of reported contributions calculated under
6 this paragraph for each state ballot measure shall be accompanied
7 by an explanation that the contribution totals may be overstated
8 due to the inclusion of contributions made to committees
9 supporting or opposing more than one state ballot measure, as
10 required by subclause (II) of clause (iii) of subparagraph (A).

11 (3) A current list of the top 10 contributors supporting and
12 opposing the ballot measure, if compiled by the Fair Political
13 Practices Commission pursuant to subdivision (e) of Section 84223
14 of the Government Code.

15 (4) (A) A list of each committee primarily formed to support
16 or oppose the ballot measure, as described in Section 82047.5 of
17 the Government Code, and a means to access information about
18 the sources of funding reported for each committee.

19 (B) Information about the sources of contributions shall be
20 updated as new information becomes available to the public
21 pursuant to the Political Reform Act of 1974 (Title 9 (commencing
22 with Section 81000) of the Government Code).

23 (C) If a committee identified in subparagraph (A) receives one
24 million dollars (\$1,000,000) or more in contributions for an
25 election, the Secretary of State shall provide a means to access
26 online information about the committee's top 10 contributors
27 reported to the Fair Political Practices Commission pursuant to
28 subdivision (a) of Section 84223 of the Government Code.

29 (D) Notwithstanding paragraph (1) of subdivision (c) of Section
30 84223 of the Government Code, the Fair Political Practices
31 Commission shall automatically provide any list of top 10
32 contributors created pursuant to Section 84223 of the Government
33 Code, and any subsequent updates to that list, to the Secretary of
34 State for purposes of compliance with this section.

35 (5) Any other information deemed relevant by the Secretary of
36 State.

37 (c) *Information made available over the Internet pursuant to*
38 *this section shall conform to the most current, ratified standards*
39 *under Section 508 of the federal Rehabilitation Act of 1973 (29*
40 *U.S.C. Sec. 794d), as amended, and the Web Content Accessibility*

1 *Guidelines 2.0 adopted by the World Wide Web Consortium for*
2 *accessibility. The Secretary of State may also implement*
3 *recommendations of the Visually Impaired Voter Assistance*
4 *Advisory Board made pursuant to paragraph (4) of subdivision*
5 *(b) of Section 2053.*

6 SEC. 3. *Section 13300.7 of the Elections Code is amended to*
7 *read:*

8 13300.7. Notwithstanding any other ~~provision of~~ law, county
9 and city elections officials may establish procedures designed to
10 permit a voter to opt out of receiving his or her sample ballot, voter
11 pamphlet, notice of polling place, and associated materials by mail,
12 and instead obtain them electronically via ~~e-mail~~ *email* or by
13 accessing them on the county's or city's Internet Web site, provided
14 that all of the following conditions are met:

15 (a) The procedures establish a method of providing notice of
16 and an opportunity by which a voter can notify elections officials
17 of his or her desire to obtain ballot materials electronically in lieu
18 of receiving them by mail.

19 (b) The voter ~~e-mail~~ *email* address or any other information
20 provided by the voter under this section remains confidential
21 pursuant to Section 6254.4 of the Government Code and Section
22 2194 of this code.

23 (c) The procedures provide notice and opportunity for a voter
24 who has opted out of receiving a sample ballot and other materials
25 by mail to opt back into receiving them by mail.

26 (d) The procedures establish a process by which a voter can
27 apply electronically to become a vote by mail voter.

28 (e) A voter may only opt out of, or opt back into, receiving his
29 or her sample ballot and other ballot materials by mail if the
30 elections official receives the request and can process it prior to
31 the statutory deadline for the mailing of those materials for the
32 next election, pursuant to Section 13303. If a voter misses this
33 deadline, the request shall take effect the following election.

34 (f) The procedures ~~must~~ *shall* include a verification process to
35 confirm the voter's identity, either in writing with a signature card
36 that can be matched to the one on file with ~~the elections officials,~~
37 *official*, or if the request is submitted electronically, it shall contain
38 the voter's California driver's license number, California
39 identification number, or a partial social security number.

(g) Information made available over the Internet pursuant to this section shall conform to the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. Election officials may also implement recommendations of the Visually Impaired Voter Assistance Advisory Board made pursuant to paragraph (4) of subdivision (b) of Section 2053, and of any Voting Accessibility Advisory Committee created pursuant to the guidelines promulgated by the Secretary of State related to the accessibility of polling places by the physically handicapped.

~~SECTION 1. Section 19271 of the Elections Code is amended to read:~~

~~19271. As used in this article:~~

~~(a) "Accessible" means that the information provided on the paper record copy from the voter verified paper audit trail mechanism is provided or conveyed to voters via both a visual and a nonvisual method, such as through an audio component.~~

~~(b) "Direct recording electronic voting system" means a voting system that records a vote electronically and does not require or permit the voter to record his or her vote directly onto a tangible ballot.~~

~~(c) "Voter verified paper audit trail" means a component of a direct recording electronic voting system that prints a synchronous paper record facsimile of each electronic ballot and allows each voter to confirm his or her selections before the voter casts his or her ballot.~~

~~(d) "Federal qualification" means the system has been certified, if applicable, by means of qualification testing by a nationally recognized test laboratory and has met or exceeded the minimum requirements set forth in the Performance and Text Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems, or in any successor voluntary standard document, developed and promulgated by the Federal Election Commission, the Election Assistance Commission, or the National Institute of Standards and Technology.~~

~~(e) "Paper record copy" means an auditable document printed by a voter verified paper audit trail component that corresponds to the voter's electronic vote and lists the contests on the ballot~~

1 and the voter's selections for those contests. A paper record copy
2 is not a ballot.
3 (f) ~~"Parallel monitoring" means the testing of a randomly~~
4 ~~selected sampling of voting equipment on election day designed~~
5 ~~to simulate actual election conditions to confirm that the system~~
6 ~~is registering votes accurately.~~